

Number of drive-through lanes	Stacking distance
3	120
4	100
5	80

- (5) Where no turns in the drive-through lane are required, the minimum distance to the drive-through exit from the centerline of the pick-up window shall be sixty (60) feet.
- (6) Where turns in the drive-through lane are required, the minimum distance to the beginning of the turn from the centerline of the pick-up window shall be forty (40) feet with a minimum turning radius of seventeen (17) feet.
- (7) Stacking lanes shall not conflict with parking space access.
- (8) Stacking lanes shall not cross pedestrian access ways. For purposes of this subsection, a “pedestrian access way” means a sidewalk or other passageway designed to provide access for pedestrians from parking areas or the public right-of-way. Driveways leading to stacking lanes may cross a public sidewalk, but the area within the public right-of-way up to the edge of the sidewalk is not counted as part of the stacking lane distance required in subsection (3), above.
- (9) The entrance into the drive-through lanes shall not conflict with general access to the site.

(c) Compatibility Standards

- (1) The minimum distance from a drive-through lane to any residential zoning district shall be thirty (30) feet as measured at the narrowest point between the residential district boundary to the closest point of the drive-through lane.
- (2) Alleys or driveways in residential zoning district adjacent to drive-through facilities shall not be used for circulation of customer traffic.

16-74 to 16-80 Reserved

16-81 Elderly Housing

Purpose: To recognize that housing for older persons provides for the diverse and special needs of this group, including the needs for meeting/function rooms and recreational facilities, and attempt to foster development of housing alternatives for older persons with the basic supportive facilities and services.

- *The development of housing for older persons may allow residents the opportunity to enjoy the rights and privileges of ownership and maintenance of private property within the City of Nashua.*
- *It is a community goal to promote development of housing for older persons that provides facilities and service offerings typically demanded by this group and it is also a goal to promote proximity of such development to support services (shopping, medical services, transportation, etc.) necessary to meet the needs of these residents.*
- *Housing developed in this section must be established and maintained in compliance with all applicable state and federal laws with respect to such housing and/or medical care, including the Fair*

Housing Act, as amended, 42 USC Sec. 3601 et seq., NH RSA 354-A:15 and the NH Code of Administrative Rules, Hum 300 et seq.

- *Pursuant to RSA-A-15; II and III, it is recognized that prohibitions against housing discrimination do not apply to housing for older persons, which conforms to all applicable rules and regulations.*
- *The intent is to foster development of housing for older persons while detailing local planning standards and promoting consistency with land use policies in the master plan and the land use laws and regulations.*
- *The intent is to regulate the intensity and mix of the different types of dwelling units required to meet the needs of these citizens so as to provide ample outdoor and livable space and to retain a sense of personal identity, intimacy, and human scale within the development.*
- *The intent is to review the bulk, height, and spacing of buildings, and the traffic circulation and parking pattern within the development to ensure that the adequate light, air, privacy, landscaping, and open space for passive and active recreation are provided with the development.*
- *The City of Nashua finds, determines and declares that:*
- *There is a recognized need within the City for suitable and appropriate housing for older persons.*
- *Older Persons are exclusively people age 55 and older.*
- *According to Demographic Element of the Master Plan the number and proportion of persons 55 years or older will increase significantly during the next several decades, thereby creating an increased demand for elderly housing.*
- *Housing for older persons can be developed to provide housing opportunities for this group and at the same time not detract from the low density settlement patterns defined by significant open space and a rural community character described in the master plan.*
- *It is recognized that exclusive zoning for persons 55 or older promotes the general health and welfare.*

This section implements the following Master Plan recommendation:

- *Due to the likely increase in demand for elderly housing, both for independent living and managed care facilities, it is recommended that the Zoning Ordinance be examined and revised, if necessary, to ensure that adequate opportunities to develop elderly housing are available. This is especially important given the projected increase in the senior population over the next 10 – 20 years.*

(a) Applicability

- (1) For purposes of this section, “Elderly Housing” means any of the housing categories and supportive service facilities described in subsection (2), below, that complies with the provisions of RSA 354-A:15 (“Housing for Older Persons”).
- (2) Examples of principal uses or structures that constitute “Elderly Housing” include:

Table 81-1 Elderly Housing Classifications

Category and definition	LBCS Function	NAICS
Retirement housing services: These establishments offer minimal convenience services but focus on attracting elderly residents so as to provide a social support system among the residents.	1210	
Congregate living services: Funded through the 1978 Congregate Housing Services Act, many of these establishments serve meals and other services in low-income and federally subsidized housing. Now, many establishments provide such services to other non-subsidized housing facilities. Services include housekeeping, laundry, transportation, recreational programs, and other convenience services.	1220	
Assisted-living services: These services are provided by board-and-care establishments, such as adult foster care homes and adult care group homes. Services include daily activity assistance, such as dressing, grooming, bathing, etc. These establishments may be located in single-family homes and share the house with the care provider's family.	1230	
Life care or continuing care services: This subcategory comprises church or social welfare organizations running retirement centers. Residents turn over some or all of their assets in exchange for housing, personal care, convenience care, and some health care. Terms used for such establishments are: endowment facilities, founders care facilities, etc.	1240	
Community Care Facilities for the Elderly These establishments are primarily engaged in providing residential and personal care services for (1) the elderly who are unable to fully care for themselves and/or (2) the elderly who do not desire to live independently. The care typically includes room, board, supervision, and assistance in daily living, such as housekeeping services. In some instances these establishments provide skilled nursing care for residents in separate on-site facilities.		62331
Continuing Care Retirement Communities: These establishments primarily engaged in providing a range of residential and personal care services with on-site nursing care facilities for (1) the elderly and other persons who are unable to fully care for themselves and/or (2) the elderly and other persons who do not desire to live independently. Individuals live in a variety of residential settings with meals, housekeeping, social, leisure, and other services available to assist residents in daily living. Assisted-living facilities with on-site nursing care facilities are included in this industry.		623311
Skilled-nursing services or Nursing Care Facilities: This subcategory comprises establishments that provide 24-hour skilled nursing care. Included are nursing homes and convalescent hospitals for the elderly.	1250	623110
Homes for the Elderly: This U.S. industry comprises establishments primarily engaged in providing residential and personal care services (i.e., without on-site nursing care facilities) for (1) the elderly or other persons who are unable to fully care for themselves and/or (2) the elderly or other persons who do not desire to live independently. The care typically includes room, board, supervision, and assistance in daily living, such as housekeeping services. These establishments may include assisted-living facilities without on-site nursing care facilities, homes for the aged without nursing care, homes for the elderly without nursing care, old age homes without nursing care, old soldiers' homes without nursing care, rest homes without nursing care, retirement homes without nursing care, and senior citizens' homes without nursing care.		623312

- (3) Accessory uses for Elderly Housing may include activity centers for the elderly, senior citizens' centers, or senior citizens activity centers engaged in providing nonresidential social assistance services to improve the quality of life for the elderly, persons diagnosed with

mental retardation, or persons with disabilities. These establishments provide for the welfare of these of individuals in such areas as day care, non-medical home care or homemaker services, social activities, group support, and companionship. (Reference: NAICS 624120).

(b) Where Permitted

Elderly Housing that contains duplex or multi-family dwellings is permitted as of right in the D, R-A, R-B or R-C zoning districts subject to the requirements of this Section. Elderly Housing in the form of single family detached dwellings are permitted in the R-40, R-30, R-18, R-9, R-A and R-B zoning districts.

(c) Standards

Applications subject to this section shall conform to the following standards:

(1) Permits and Phasing

The Planning Board shall approve a site plan if it complies with the standards established below. A building permit shall be obtained for each dwelling unit an each accessory use.

(2) Compliance

The applicant shall certify at the time of an application before the Planning Board that a development will comply with all applicable rules and regulations established by the New Hampshire Human Rights Commission, for age discrimination in housing, including, if required by the Human Rights Commission, that every development shall provide significant facilities and services specifically designed to meet the physical and social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons, as set forth in NH Administrative Rules Hum 302.03, as the same may from time to time be amended. Furthermore, while the Planning Board will not define what constitutes significant facilities and services, information that may be required by the Human Rights Commission in evaluating an application may be submitted to the Planning Board, including a description of applicable provisions of the Human Rights Commission administrative rules and regulations, and whether there are requests for exemptions. In the event the foregoing 55 year old age restriction is determined to be in violation of the laws of the State of New Hampshire, then in order to qualify as Housing For Older Persons, the development must contain an age restriction that complies with New Hampshire RSA 354-A:15, and as the same may from time to time be amended.

(3) Dwelling Unit Density

The proposed development shall conform to the density established in Table 81-2, below. A density bonus may also be granted for proposed developments that also conform to [§ 16-93](#) (inclusionary zoning).

Table 81-2 Elderly Housing Density

Elderly Housing Density (dwelling units per acre)		
Zoning District	Single-Family Detached	Duplex or Multifamily
R-40	2	-
R-30	3	-
R-18	5	-
R-9	6	-
R-A	8	8
R-B	12	12
R-C	-	40
D	-	75

(4) Pedestrian Traffic

The use of interconnecting walkways, trails and natural walking paths shall be an integral part of the design of any development to facilitate access between common area, groups of dwelling units and open space areas. Easements shall be requested where trails or potential trails on abutting lands may allow for a local connection. Appropriate timing and restrictions may apply. Primary walkways and sidewalks shall meet Americans with Disabilities Act (ADA) requirements. Trails and natural walking paths are exempt from this requirement, but the Board encourages maximizing accessibility to residents.

(5) Building Design

Architectural renderings of a typical unit and all accessory buildings shall be provided which the Planning Board will evaluate in accordance with the Site Plan regulations to confirm that proposed development is an appropriate scale and arrangement in light of the underlying zoning district, the prominence of the site, viewsheds, adjacent uses and the surrounding neighborhood.

(6) Safety Issues

The following requirements may be amended at the discretion of the Planning Board prior to final approval.

- A. Each unit shall have address numbering of contrasting color to the structure, a minimum of 6 inches in size, and visible from the street and/or driveway.
- B. In the case of shared driveways, a permanent marker (preferably granite) shall be visible from the street and shall depict by diagram, the location and the number of each dwelling unit. Additional markers shall be placed at any split in the shared portion shall be a minimum of 16 feet in width, a maximum of 9 percent grade, designed to allow safe access and support the weight of emergency vehicle. Shared driveway designs are subject to Board approval.

16-82 Extractive Industries

See [Article VI](#), Excavation Regulations.

16-83 Fences

Wall, fence or similar enclosures shall conform to the following:

- (a) In residential zoning districts, shall not exceed 6 feet in height or interfere with traffic circulation.
- (b) In nonresidential zoning districts, shall not interfere with traffic circulation (no height restriction).

16-84 Gas Stations/Convenience Stores

Purpose: this section reconciles the interests of the City and residential neighborhoods relating to health and safety, traffic, property values and aesthetics, with the economic interests and public needs relating to gasoline stations. This section mediates these concerns by:

- *varying spacing requirements for small gas stations, car care centers, and convenience stores selling gas*
- *applying design standards and signage regulations to canopies and pumps.*